

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

UNITED STATES OF AMERICA :
 :
v. : Criminal Action No.
 : 3:21-CR-0004-TCB-RGV
ROBERT PURBECK :

MOTION FOR LEAVE OF COURT TO FILE MOTION TO SUPPRESS
2023 SEARCHES of I-PHONES

Defendant Robert Purbeck hereby respectfully moves for leave of Court to file a motion to suppress regarding searches recently conducted by the government on his I-phones. In further support of this motion to leave, Mr. Purbeck respectfully submits as follows.

On June 22, 2023, the government advised Defendant Robert Purbeck that it had recently searched and extracted the data from two phones belonging to him, which phones were seized on August 21, 2019 as part of the search of his residence. The government further advised that it would provide the results of those searches to him once he provided a hard drive to the government. Counsel for Mr. Purbeck went out on leave the next day, June 23, 2023, but nonetheless had a hard drive delivered to the government for purposes of obtaining this additional discovery on June 27, 2023. On July 5, 2023, the government alerted Mr. Purbeck that the additional discovery had been downloaded to the hard drive and would be

available for pick-up on July 6, 2023. Mr. Purbeck retrieved the hard-drive the following day, on July 7, 2023.

Upon reviewing the new discovery, Mr. Purbeck learned that beginning on May 30, 2023 and May 31, 2023, the government made efforts to access two I-phones belonging to Mr. Purbeck that the government had seized on August 21, 2019. As best as Mr. Purbeck can tell, the government has held these two I-phones for the past 3.5+ years and only now has attempted to search these I-phones. The government has not provided, and Mr. Purbeck is not aware of, a new search warrant that the government obtained authorizing these 2023 searches.

Accordingly, Mr. Purbeck believes that the government is proceeding under the belief that its searches and data extractions in 2023 were authorized by the search warrant issued by the United States District Court of Idaho on August 19, 2019 for the search of Mr. Purbeck's residence, and which the government used to take physical possession of those phones on August 21, 2019. (See Search Warrant No. 1:19-mj-10519-REB (U.S.D.C. Idaho); a copy of which is attached to Mr. Purbeck's December 13, 2021 Notice of Filing as Exhibit F). As he will set forth in more detail in his motion to suppress, Mr. Purbeck submits that the 2019 search warrant does not provide legal authority to search those I-phones (or anything else) in 2023, and there is no other lawful basis for the government to conduct the searches it has recently conducted, he respectfully moves for leave of Court to file

a motion to suppress the recent searches of his I-phones and the fruits of those searches.

WHEREFORE, Mr. Purbeck requests that the Court grant this motion and grant him leave to file a motion to suppress regarding the government's recent searches of his I-phones.

A copy of the motion to suppress that Mr. Purbeck proposes to file if leave of Court is granted is attached hereto as Exhibit 1.

Respectfully submitted, this 20th day of July, 2023.

/s/ Andrew C. Hall
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CERTIFICATE OF COMPLIANCE WITH TYPE AND FONT
AND CERTIFICATE OF SERVICE

I hereby certify that this motion has been prepared in Times New Roman font (14 pt.) and consistent with the Local Rules of this Court.

I further hereby certify that I have this date caused a true and correct copy of the foregoing MOTION FOR LEAVE OF COURT TO FILE MOTION TO SUPPRESS 2023 SEARCHES of I-PHONES to be served by filing it with the Clerk of Court and emailing separately to:

Assistant United States Attorney Michael Herskowitz and Alex Sistla

This 20th day of July, 2023.

/s/ Andrew C. Hall
Andrew C. Hall